

From: Kelly Byrd
To: Microsoft ATR
Date: 1/23/02 11:02am
Subject: Microsoft Settlement

The proposed settlement is bad idea. There are many problems with the settlement, I'll focus only on one here.

Under the proposed settlement, Section III.A.2 Microsoft is not prevented from taking action against an OEM who ships Personal Computers that includes a non-Microsoft Operating System. A proposed change to the section is:

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ...

The Personal Computer market flourishes when OEMs can offer a variety of products to customers. These OEM should not be punished for offering choices. If the OEM choose to sell Personal Computers with a Microsoft Operating System and also Personal computers with a non-Microsoft Operating System. The market should determine whether or not they are successful.

Section III.B. requires Microsoft to offer unspecified Market Development Allowances to the top 20 OEMs. Why not all OEMs? Historically the Personal Computer market has been full of players and this extreme competition has benefited the consumer in many ways.

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"Do or do not. There is no try"

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